

CHAPTER NO. 603

SENATE BILL NO. 3403

By Crutchfield, McLeary

Substituted for: House Bill No. 3492

By McMillan, Cobb

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 1, Part 1, relative to emergency contracting authority for the Tennessee Department of Transportation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 1, Part 1, is amended by adding the following as a new section:

Section 54-1-134. (a) In the event of a transportation system failure, an imminent threat of a failure, or other emergency that the commissioner reasonably believes would present a hazard to the traveling public or a significant delay in transportation, then the commissioner shall have the authority to enter into contracts narrowly tailored to remedy the actual/imminent failure or other emergency by one of the following methods:

(1) When conditions allow, bids will be taken at a special letting. The commissioner is authorized to waive any provisions of this title related to bidding to effectuate this special letting including advertisement, time periods and notice.

(2) If the commissioner determines that the failure, threatened failure, or other emergency requires immediate attention, then the commissioner may enter into a contract through non-competitive selection of a pre-qualified contractor available to undertake the repairs immediately.

(b) In the event the commissioner enters into a contract under this section, the commissioner shall provide immediate written notice to the Commissioner of Finance and Administration and to the comptroller. Within thirty (30) days of the commissioner entering into a contract under this section, copies of all bids and supporting documentation shall be filed with the fiscal review committee.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 26, 2004



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of May 2004



PHIL BREDEBEN, GOVERNOR